6128331/2022/VIG-II-PRR01

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Services – PR&RD – Allegation of making excess payments by the Executive Engineer, PR, Division, Kavali without considering the QC inspection reports made for deduction of certain amounts involved in (6) cases – Causing loss to Govt. exchequer to an amount of Rs.38,90,239/- - Legal complications – Disciplinary proceedings under Rule 20 of A.P.Civil Services (CC&A) Rules, 1991 against Sri A.J. Ravi Kumar, EE, PR Division, Kavali, Nellore District – Article of charges – Issued.

PANCHAYAT RAJ & RURAL DEVELOPMENT (VIG-II) DEPARTMENT

G.O.Rt.No.588. **Dated:15-07-2022.**

Read the following:-

1) Orders of High Court of A.P, dated 25.01.2022 in W.P.No.1702, 2361, 1514 2068, 2226 & 4039 of 2022 filed by Sri Vellepu Bala Koteswara Rao and Others, SPSR Nellore District.
2) Contempt Case No. 1353, 1403,1498, 1476, 1479 & 1409 of 2022 filed by Sri Vellepu Bala Koteswara Rao and Others, SPSR Nellore District.

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ORDER:

It is proposed to hold an inquiry against Sri A.J. Ravi Kumar, EE, PR Division, Kavali, Nellore District in accordance with the procedure laid down in Rule-20 of Andhra Pradesh Civil Services (CC&A) Rules, 1991.

2. The substance of the imputations of misconduct or misbehaviour in respect of which the enquiry is proposed to be held is set out in the enclosed statement of article of charge (Annexure-I and II). A list of documents by which and a list of witnesses by whom, the article of charges are proposed to be sustained are also enclosed (Annexure-III and IV).

3. Sri A.J. Ravi Kumar, EE, PR Division, Kavali, Nellore District is directed to submit his written statement of defence within (10) days of the receipt of this order.

4. Sri A.J. Ravi Kumar, EE, PR Division, Kavali, Nellore District is informed that an enquiry will be held only in respect those article of charges as are not admitted. He should, therefore, specifically admit or deny article of charge.

5. Sri A.J. Ravi Kumar, EE, PR Division, Kavali, Nellore District is further informed that if he does not submit his written statement of defence on or before the period specified in Para 3 above or otherwise fails or refuses to comply with the provisions of Rule-20 of Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991 or the orders directions issued in pursuance of the said rules, the Inquiring Authority may hold the inquiry against him ex-parte, based on the material available on record.

6. Sri A.J. Ravi Kumar, EE, PR Division, Kavali, Nellore District is invited to Rule-24 of the APCS(Conduct)Rules, 1964, under which no Government Servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matter pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt with these proceedings it will be

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presumed that he is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 24 of APCS (Conduct) Rules, 1964.

7. The receipt of this G.O. shall be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

GOPAL KRISHNA DWIVEDI
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri A.J. Ravi Kumar, EE, PR Division, Kavali, Nellore District (through the Engineer-in-Chief,Panchayat Raj, A.P.,Vijayawada.
The Engineer-in-Chief, Panchayat Raj, A.P., Vijayawada (in duplicate with a request to serve and return the dated acknowledgement) copy)
Copy to:
The PR & RD (Estt-I) Department.
SF/SC

// FORWARDED :: BY ORDER //

SECTION OFFICER

ANNEXURE-II

STATEMENT OF IMPUTATIONS OF MISCONDUCT AND MISBEHAVIOUR IN SUPPORT OF ARTICLE OF CHARGES FRAMED AGAINST Sri A.J. Ravi Kumar, EE, PR Division, Kavali, Nellore District

Basis:

Whereas the Writ Petitioners in W.P.No.1702/2022 were executed (4) works and submitted total bills for Rs.96,94,991/- and claimed an amount of Rs.62,42,206/- as per the orders of Hon'ble High Court. In QC Report dated 15.06.2020 an amount of Rs.78,47,086/- has been proposed for QC recovery/withheld amount. Whereas, the payment authority EE PR Division, Kavali paid an amount of Rs.1,20,622/- on 30.8.2021 and second payment of Rs.31,07,120/- on 11.04.2022 without deducting the QC recoveries and cause loss to Government exchequer.

2. Whereas the Writ Petitioners in W.P.No.2361/2022 were executed (2) works and submitted total bills for Rs.17,08,907/- and claimed an amount of Rs.16,93,166/- as per the orders of Hon'ble High Court. In QC Report dated 14.06.2020 an amount of Rs.14,46,044/- has been proposed for QC recovery/withheld amount. Whereas, the payment authority EE PR Division, Kavali paid an amount of Rs.5,00,211/- on 30.3.2022 without deducting the QC recoveries and cause loss to Government exchequer.

3. Whereas the Writ Petitioners in W.P.No.1514/2022 were executed (4) works and submitted total bills for Rs.48,17,923/- and claimed an amount of Rs.36,05,761/-as per the orders of Hon'ble High Court. In QC Report dated 14.06.2020 & 15.6.2020 an amount of Rs.40,94,516/- has been proposed for QC recovery/withheld amount. Whereas, the payment authority EE PR Division, Kavali paid an amount of Rs.9,84,799/- on 30.3.2022 without deducting the QC recoveries and cause loss to Government exchequer.

4. Whereas the Writ Petitioners in W.P.No.2068/2022 were executed (4) works and submitted total bills for Rs.36,18,080/- and claimed an amount of Rs.17,83,960/-as per the orders of Hon'ble High Court. In QC Report dated 29.6.2020 an amount of Rs.29,37,973/- has been proposed for QC recovery/withheld amount. Whereas, the payment authority EE PR Division, Kavali paid an amount of Rs.3,65,157/- on 30.3.2022 and also Rs.10,80,153/- on 11.04.2022 & 20.04.2022 without deducting the QC recoveries and cause loss to Government exchequer.

5. Whereas the Writ Petitioners in W.P.No.2226/2022 were executed (5) works and submitted total bills for Rs.40,60,120/- and claimed an amount of Rs.30.22,455/-as per the orders of Hon'ble High Court. In QC Report dated 24.06.2020 an amount of Rs.14,54,662/- has been proposed for QC recovery/withheld amount. Whereas, the payment authority EE PR Division, Kavali paid an amount of Rs.2,57,402/- on 08.04.2022 and Rs.7,23,630/- on 20.04.2022 without deducting the QC recoveries and cause loss to Government exchequer.

6. Whereas the Writ Petitioners in W.P.No.4039/2022 were executed (11) works and submitted total bills for Rs.39,79,726/- and claimed an amount of Rs.37,58,429/-as per the orders of Hon'ble High Court. In QC Report dated 16.06.2020 an amount of Rs.14,35,710/- has been proposed for QC recovery/withheld amount. Whereas, the payment authority EE PR Division, Kavali paid an amount of Rs.1,95,02/- on 30.03.2022, Rs.23,81,954/- on 8.4.2022 & Rs.4,72,289/- on 11.04.2022 without deducting the QC recoveries and cause loss to Government exchequer.

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7. Thus, Sri A.J. Ravi Kumar, EE, PR Division, Kavali, Nellore District made payment to a tune of Rs.38,90,239/- in all the above cases causing loss to the Government without deducting the QC recoveries/withheld amounts.

8. Thus the Government Servant Sri A.J. Ravi Kumar, EE, PR Division, Kavali, Nellore District failed to obey the orders of higher authorities and gross negligence on his legitimate duties. Thus by the above mentioned acts, he failed to maintain absolute integrity, devotion to the duty and conduct unbecoming of a Government Servant and there by contravened the Rule 3(1) & 3(2) of APCS (Conduct) Rules, 1964.

Hence, the charge.

GOPAL KRISHNA DWIVEDI
PRINCIPAL SECRETARY TO GOVERNMENT

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SECTION OFFICER

ANNEXURE-I

STATEMENT OF ARTICLE OF CHARGES FRAMED AGAINST Sri A.J. Ravi Kumar, EE, PR Division, Kavali, Nellore District

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CHARGE:

That Sri A.J. Ravi Kumar, EE, PR Division, Kavali, Nellore District has made certain payments for certain works executed by the writ petitioners under reference 1st read above and he made first payments in the year 2021 and second payments in the year 2022 to the petitioners. But, he has made the above payments without deducting the recoveries proposed by the Quality Control Inspection Teams reports conducted on the said works and recommended for recoveries towards deficiencies in quality and quantity with regard to approved estimates. The said QC reports were prior to making payments by the E.E and thus caused loss to Govt.exchequer to a tune of Rs.38,90,239/-(excess payment) in the above (6) WPs and Contempt cases.

2. Thus, the above Government Servant has failed to discharge his legitimate duties properly and acted for his personal gain and gross negligence in attending his legitimate duties and acted in contravention of Rule 3 of APCS (Conduct) Rules, 1964.

GOPAL KRISHNA DWIVEDI
PRINCIPAL SECRETARY TO GOVERNMENT

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ANNEXURE-III

LIST OF DOCUMENTS BY WHICH THE ARTICLE OF CHARGE FRAMED AGAINST Sri A.J. Ravi Kumar, EE, PR Division, Kavali, Nellore District ARE PROPOSED TO BE SUSTAINED:

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1) Orders of High Court of A.P, dated 25.01.2022 in W.P.No.1702, 2361, 1514 2068, 2226 & 4039 of 2022 filed by Sri Vellepu Bala Koteswara Rao and Others, SPSR Nellore District.
2) Contempt Case No. 1353, 1403,1498, 1476, 1479 & 1409 of 2022 filed by Sri Vellepu Bala Koteswara Rao and Others, SPSR Nellore District.
3) Brief history of bills submission in respective works covered under above WPs.

GOPAL KRISHNA DWIVEDI
PRINCIPAL SECRETARY TO GOVERNMENT

// FORWARDED :: BY ORDER //

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ANNEXURE-IV

LIST OF WITNESSESS BY WHOM THE ARTICLE OF CHARGE AGAINST Sri A.J. Ravi Kumar, EE, PR Division, Kavali, Nellore District IS PROPOSED TO BE SUSTAINED :

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- NIL –

GOPAL KRISHNA DWIVEDI
PRINCIPAL SECRETARY TO GOVERNMENT

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